
HOUSE BILL 2233

State of Washington 60th Legislature 2007 Regular Session

By Representatives Condotta, Chandler, Orcutt, Schindler, Kretz,
Ahern, Kristiansen and Warnick

Read first time 02/14/2007. Referred to Committee on Commerce & Labor.

1 AN ACT Relating to the use of industrial insurance funds; amending
2 RCW 51.44.010, 51.44.020, and 51.44.033; and adding a new section to
3 chapter 51.44 RCW.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 **Sec. 1.** RCW 51.44.010 and 1961 c 23 s 51.44.010 are each amended
6 to read as follows:

7 (1) There shall be, in the office of the state treasurer, a fund to
8 be known and designated as the "accident fund."

9 (2) Expenditures from the accident fund shall be made only to the
10 industrial insurance division at the department of labor and industries
11 for purposes related to the payment of benefits or the administration
12 of industrial insurance programs.

13 (3) The director shall submit a written letter to the legislature
14 by December 1st of each year attesting that the accident fund is being
15 used only for the purposes of subsection (2) of this section.

16 **Sec. 2.** RCW 51.44.020 and 1961 c 23 s 51.44.020 are each amended
17 to read as follows:

1 (1) There shall be, in the office of the state treasurer, a fund to
2 be known and designated as the "medical aid fund."

3 (2) Expenditures from the medical aid fund shall be made only to
4 the industrial insurance division at the department of labor and
5 industries for purposes related to the payment of benefits or the
6 administration of industrial insurance programs.

7 (3) The director shall submit a written letter to the legislature
8 by December 1st of each year attesting that the medical aid fund is
9 being used only for the purposes of subsection (2) of this section.

10 **Sec. 3.** RCW 51.44.033 and 1975 1st ex.s. c 224 s 16 are each
11 amended to read as follows:

12 (1) There shall be, in the office of the state treasurer, a fund to
13 be known and designated as the "supplemental pension fund((~~u~~))." The
14 director shall be the administrator thereof. ((Said fund shall be used
15 for the sole purpose of making the additional payments therefrom
16 prescribed in this title.))

17 (2) Expenditures from the supplemental pension fund shall be made
18 only to the industrial insurance division at the department of labor
19 and industries for purposes related to the payment of benefits or the
20 administration of industrial insurance programs, or to other programs
21 as specified in this title. Before approving an expenditure from the
22 supplemental pension fund, the legislature must find that the
23 expenditure is reasonably related to industrial insurance or a
24 recognized insurance risk management activity.

25 (3) The director shall submit a written letter to the legislature
26 by December 1st of each year attesting that the supplemental pension
27 fund is being used only for the purposes of subsection (2) of this
28 section.

29 NEW SECTION. **Sec. 4.** A new section is added to chapter 51.44 RCW
30 to read as follows:

31 (1) Any ratepayer or group of ratepayers, acting as a class, may
32 file an action in superior court to protest the use of the accident
33 fund, the medical aid fund, or the supplemental pension fund.

34 (2) If a court finds that expenditures from the accident fund, the
35 medical aid fund, or the supplemental pension fund are not related to
36 a purpose under RCW 51.44.010, 51.44.020, or 51.44.033, the department

1 is prohibited from making the expenditures, and the ratepayer or
2 ratepayers must be compensated for actual attorneys' fees and an award
3 of triple damages.

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